

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
MAY 11, 2010**

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 5:10 PM on Tuesday, May 11, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Keith Baker, Jerry Steinauer, Robert Flint, Carrie Carey, Town Administrator Sue Boyd, Town Attorney Jeff Parker and Town Clerk Diane Spomer

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

**EXECUTIVE SESSION - FOR A CONFERENCE WITH THE TOWN ATTORNEY FOR THE PURPOSE
OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-
402 (4) (B) TO DISCUSS THE RUSSELL LAWSUIT**

Motion #1 by Trustee Flint, seconded by Trustee Carey, to enter into Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402 (4) (b) to discuss the Russell lawsuit. Motion carried. Those present for Executive Session were Mayor Joel Benson, Trustees Jerry Steinauer, Carrie Carey, Robert Flint, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Brett Mitchell and Mark Boston was present via conference call. Also present were Tom Rice hired by CIRSA and Sue Eisenhower with CIRSA, the Town's liability insurance carrier. Trustees Nyberg and Lacy were absent.

Executive Session was held from 5:11 PM to 6:40 PM. Trustee Baker joined the Executive Session at 5:14 PM.

Motion #2 by Trustee Baker, seconded by Trustee Flint, to adjourn to regular session. Motion carried.

A recess was taken from 6:40 PM to 7:00 PM.

CALL TO ORDER

The Regular meeting of the Board of Trustees was called back to order at 7:00 PM on Tuesday, May 11, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Keith Baker, Norm Nyberg, Duff Lacy, Jerry Steinauer, Robert Flint, Carrie Carey, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Fire Chief Darrell Pratt, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

PROCLAMATION – “ARBOR DAY”

Mayor Benson read the Proclamation into the record.

AGENDA ADOPTION

Trustee Lacy requested to move Item B of New Business to the Consent Agenda. Town Attorney Parker noted items are normally moved from Consent to the Regular Agenda. It was decided to leave this item under New Business. Trustee Lacy noted Ord. 10 on Adult Businesses and Ord. 12 for Medicinal Marijuana we need to show activity on them. Jeff Parker stated the MMD legislature has it going to another Committee and we should have some information by the next meeting. This item will be discussed under Trustee/Staff Interaction.

Motion #3 by Trustee Lacy, seconded by Trustee Flint, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. **Minutes**
 - 1. Regular Meeting – April 27, 2010
- B. **Advisory Boards**
 - 1. Airport Board
 - 2. Trails Advisory Board
- C. Should the Board approve adoption of Resolution #59, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ACCEPTING THE INFRASTRUCTURE FOR THE MEADOW RIDGE SUBDIVISION**"?
- D. **POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT**

Trustee Steinauer noted a correction on page 17, the fifth paragraph second line should be "Trustee Steinauer offered that there will not be a lack of continuity"; on page 20 above motion #15 the head boatman should be changed to Joe Coggin.

Motion #4 by Trustee Steinauer, seconded by Trustee Baker, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Cherie Haarberg, 15720 CR 306, member of Airport Board and Airport Commission, read her letter of resignation into the record and provided a copy to the Town Clerk.

Cal Anderson, 420 School Street, expressed that on voting if you can't be present vote absentee ballot; noted Bob Johnson did all he could to run the airport, was hampered in many ways; lots of decisions were made that were not familiar with aviation; did not like the establishment of the Airport Commission; resigned from the Airport Board as it was no longer fun and challenging.

Mal Sillars, tendered his resignation from the Airport Board; noted he remains a strong supporter of airport; felt the Airport Board dealt with issues ;

Bob Freed, 16875 CR 363, read his letter of resignation into the record and gave a copy to the Town Clerk.

Bob Johnson, 16177 CR 350, came to say "good bye", thanked the Airport Board for their service and hoped the Trustees find the airport in a better state now than when he first came.

RESPONSE TO PUBLIC COMMENT

Mayor Benson read letters of resignation from the Airport Board from Tom Bell and Robin Daily into the record.

Trustee Carey asked how many Board members were left. It was noted all members have resigned.

Trustee Lacy expressed that several items were discussed by the Airport Board and never brought before the Town Trustees; noted Mark Mueller had questions and criteria for moving a business to Buena Vista; when Duff spoke with him he had not made a decision but was struggling with getting things done through Town Hall and then heard Mark left. Duff stated we lost the opportunity for a business - "languishing by staff".

Mayor Benson thanked the Airport Board for their service, recognized this information is a good monitoring signal that the Town should look at what this message is sending to them as they move forward and explore where the airport is going and wished Bob well in Kansas.

OLD BUSINESS

DISCUSSION OF THE TOWN POLICY REGARDING PATROL VEHICLES AND POLICE OFFICER RESIDENCE REQUIREMENTS

Chief Tidwell stated he presented his case at the last meeting; understands where the Trustees are coming from and requested they respect where he is coming from; he has officers on duty 24/7 with good coverage; there is a short gap on coverage when someone goes on vacation and when there is a major issue they need officers to get to Town quickly.

Trustee Nyberg noted he went over Trout Creek Pass a couple times and from the top of the pass to Buena Vista in light traffic it took 14 minutes; if you add 2-3 minutes to get dressed and to your car in summer with heavy traffic you cannot make it in 20 minutes; in the winter the weather is a factor. Norm felt 20 minute response time from the pass is unrealistic and tax payers should not have to foot the bill for wear and tear and the fuel; referenced a letter Council received and stated the Trustees are not being responsible for the tax payer's money.

Discussion followed on the 20 minute response time is "policy" and Salida has the same policy; is the actual time 20 minutes from Trout Creek Pass (with the flow of traffic it's 15 minutes from Loaf N Jug); being "on call" is not every day; suggestions were made if they are on call they can drive the car home on those days and the remaining days they drive their own car; one officer will be moving into Town soon; parking the cars at Public Works adds 5-10 minutes to response time; wear and tear of the vehicle vs. response time or revisit the response time policy; equity for all officers; have the two officers on Trout Creek share a vehicle since they work opposite schedules-Wednesday is overlap day with day/night shifts and training; Police Dept. tries to save budgeted funds in their training budget. Consensus of Council was that the officers can only take the vehicles home when they are "on call".

NEW BUSINESS

SHOULD THE BOARD APPROVE A REQUEST TO MODIFY FEES FOR COTTONWOOD MEADOWS?

Sue Boyd outlined the Developer's request to amend the PUD, Sketch Plan and Annexation Agreement with unresolved issues on reimbursable development fees; \$31,432.09 is outstanding from the first proposal which had an agreement that it would be payable when revenue was generated from the project and was backed by the security of a hanger at the airport; when the second submittal came in the Developer asked what the Town would charge for that submittal since he felt he should not be charged as the submittal was the same as the first one, but there was a deliberate non-submittal of the service plan; the total billed today is \$11,669.91; a letter outlining Mr. Cogswell's thoughts is in the packet. The final question on the fees is about what the Town will do going forward; staff encouraged the Developer if they would be willing to pay the fees we could get the process started; only the application fees and one deposit have been received totaling \$1550 and staff is looking for direction; the developer wants to know how much water we have as a result of the dry-up study on the Leesmeagh and it is a reasonable request and suggested a work session in the future.

Discussion held on the forgiving of fees will be a budget amendment; the invoice was dated Dec. 1 with additional invoices generated for a few thousand dollars more; legal fees related to litigation have not been charged; the intent was the Developer was asking for consideration of timing on "demand being delayed until revenue came in. Attorney Parker stated that Mr. Cogswell's claims have no legal merit and he does owe the fees but Council has the option of reducing fees; if we waive fees Mr. Cogswell needs to release his threat of any claims. Sue added that the Developer has asked us to review the application within a 90 day window and Shannon feels it is doable, we cannot delay the process or we will have difficulty in meeting the 90 day window. Discussion continued on the Developer is "challenged with cash flow"; reviewing the invoices to see exact charges - these are fees the Town has paid off and the only impact to the budget is if we "forgive" any fees; the developer believes he owes \$2,738.70; we could reduce the Covell fees for a meeting she attended since part of it was for "the Town"; to do the necessary referrals charges were incurred for copies to send out referral packets; concerns of the dry up by the Developer and the loss of fees with no hay; the obligation stays with the property if it "defaults"; the Developer has the annexation and water to satisfy a portion of the development. Consensus was to not "sink the boat" nor modify the fees, copies of the water attorney and engineer invoices will be provided, a copy of the invoices will be kept at Town Hall outlining the \$31,432.09 for the Trustees to review and this item will be on the next agenda.

Should the Board approve adoption of Resolution #49, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ACCEPTING THE INFRASTRUCTURE FOR PHASE I OF THE S. MAIN PLANNED UNIT DEVELOPMENT**"?

Trustee Steinauer referenced the statement "S. Main completed the required infrastructure for Phase I in compliance with Town standards", noted they signed a Quit Claim Deed and asked if it was for the \$1,590,468 and asked how can we accept the infrastructure if the work is not done. Roy Gertson advised that the \$1,590,468 is what has been spent so far for the infrastructure that is in place; letters of credit were in place and they gave us a pledge of collateral when the letter expired.

Discussion followed on the alleys and sidewalks that need to be completed by 12/31/2013; items in the Bill of Sale show what has been accepted and meet Town standards; the difficulty with snow plowing on the cobblestone (we did not accept this street and the HOA is maintaining Swift Circle); the items in Exhibit A are what is being accepted; the value of the collateral property was based on Assessor valuations and there was no separate appraisal.

Motion #5 by Trustee Flint, seconded by Trustee Carey, to approve resolution #49, Series 2010. Trustees Steinauer and Nyberg voted nay. Motion carried.

Should the Board approve adoption of Resolution #61, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, SUPPORTING AN APPLICATION FOR CDOT FEDERAL ENHANCEMENT FUNDS FOR TRAIL LINKAGES FROM COTTONWOOD CREEK PARK TO THE SCHOOL COMPLEX, NATURE TRAIL AND THE ARKANSAS RIVER TRAIL**"?

Town Engineer Friedman noted we were told we received the award last year but the Federal Government rescinded the funds; we were told to reapply if we wanted to do the project to install a pedestrian bridge over Cottonwood Creek, adding bike lanes on Marquette to Mayer and to the Marguard Nature Trail and High School Complex; add bike lanes on Court Street and the west side of Arizona this summer and this makes a continuous bike lane from Main to Marquette and down Mayer with sidewalks; a cash match is required of \$40,700 with \$6100 of in-kind contributions.

Motion #6 by Trustee Carey, seconded by Trustee Baker, to approve Resolution #61. Discussion held on expanding or widening the other bridge (there is 20 ft. between pedestrian bridge and the other bridge); ½% tax can be used for sidewalks; a Work Session will be scheduled in the next few weeks to discuss the road improvements and additional tax; this is not in our current proposal for tax spending;

scheduling a Work Session for prioritizing projects; when this gets budgeted the Board will decide what money gets used for this project. Motion carried.

UPDATE OF THE HIGHWAY 24 CORRIDOR PLANNING PROCESS

Town Planner Haydin noted the memo is an update of what has been going on; provided information on business that were invited and attendees; stated this is the preliminary planning process; a public input session will follow and no decisions have been made.

Discussion followed on getting updated addresses for businesses and how that is done; reducing the speed on the highway was addressed several years ago; the next phase after a conceptual plan is to go to CDOT for a presentation; a Hwy. 24 corridor planning process has been discussed for a long time; reconfigure zoning to have owners redevelop their site; there have been issues on pedestrian access and we cannot get funding without a planning process.

DISCUSSION OF VACATION RENTALS

Shannon stated she is looking for direction on how to handle vacation rentals in Town and noted there has been some disparity on how they have been handled historically.

Discussion held on vacation rentals are not allowed in any zone district; the majority of vacation rentals are out of the Town limits; S. Main is allowed to have them and have a business license to do rentals. Council asked that Shannon draft an ordinance with Jeff's review to allow them via Special use.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- NIMS Training was postponed to June per Chief Don Taylor; there is no on-line version available.
- The Joint Work Session is confirmed for tomorrow at the First Street Café in Salida at 6 PM.
- There will be a closure on E. Main Street tomorrow for the railroad crossing. Rachel Friedman advised the Railroad will be replacing the timbers at no cost to us that will be flush with the rails; the Town has to replace the asphalt being cut out but there is none available this time of year so concrete will be used and will last longer; the road will be closed through the weekend. Discussion held on putting a detour sign at Family Dollar.
- The CML Conference is June 22-25 in Breckenridge and asked if the Trustees were interested in attending.
- Trustee Steinauer asked about the E. Main furniture project and final pricing. Roy received the quote from the sculptor of the metal works yesterday and will review with staff; some inquiries have been made on the "adopt a bench program". A short discussion followed on drainage issues and mitigation.
- Trustee Lacy suggested not shelving the Energy Plan but implementing it in our building code. Shannon advised we adopted the Energy Efficiency Code that was adopted; a movement called "above the code" that is in the Country is more energy efficient; Chaffee County's Energy Code is "very good" and was not sure how much more above the code we needed to go. Trustee Baker noted the County was going to develop it and start using it as a guideline and it began when we looked at wind generators. Sue added that we researched grant funding for lighting downtown that was not productive and referenced a letter from Sangre De Cristo. A brief discussion followed on financing projects for alternative energy; in meetings with Sangre De Cristo they suggested increasing the surcharge in Town to fund projects.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- They are installing the elevator this week.

- The FBO RFP was put on the website and we are getting a few inquiries; the deadline for submittals is June 18.
- We could set a Work Session with Aviation or have a regular discussion item regarding the airport layout that we want to commit for hangar development and who will be responsible for developing pavement. Discussion followed on the preliminary drawing is back from Aviation; ground lease fees are too high per comments received; we need revenue but if fees are too high everyone will go somewhere else; the Town advertised transition staff positions; Dave Strosnider was hired as Sr. Line Tech and he spoke with Mr. Mandes and there is a possibility he can reopen the opportunity for the Town; Jill Van Deel was hired as a PT Line Tech and part of the challenge now is to provide enough hours to keep people interested.
- Chevron/Texaco announced they will be leaving the State of Colorado and we have been flooded by companies who want our business including Air Petro; we have two concerns: credit card system management and the lease with the fuel truck and how they handle fuel quality training with technical assistance.
- Trustee Steinauer has been trying to put together a meeting with the County Commissioners to discuss Central Colorado Regional Airport being something the County would like to invest in more heavily and potentially take on both airports.

FIRST QUARTER FINANCIAL REPORT

- Trustee Flint asked about sales tax. Christine advised we are down 5% the first two months; March collections will be available Thursday; the additional ½% will begin to be collected July 1.
- Trustee Benson noted the highway use tax is \$10,000 more. Christine noted they increased it the middle of last year. Joel asked about the airport budget amendment. Christine noted it will be coming and wants "buy in" on what we are projecting; we will have an amended budget in the transition mode and a need to review once we see what comes in with FBO proposals. Joel asked if there would be an amendment for the \$50,000 on the railroad piece. Christine advised those funds were Capital Improvement Funds and we would not amend to take it out but to increase things; noted we are not allowed to spend money that has not been appropriated and if we do we have to meet State Statute.
- Trustee Baker asked about the PILT tax since the Commissioners are concerned about Washington cutting those funds. Christine advised those funds are not allocated to the municipalities.
- Mayor Benson asked if anyone wanted to be on the Review Committee with the auditors. Trustee Baker expressed interest.

PUBLIC WORKS DEPARTMENT

- Roy Gertson noted a change in his memo of May 24 for the crack sealing; the sidewalk project has the red stamp around three tree wells left to be done that will be poured Thursday.

TRUSTEE/STAFF INTERACTION

- Town Attorney Parker noted on the Adult Business Ordinance a moratorium was put in place for 90 days; staff will work on a proposal of regulations for location and operations; will want to locate them in a specific part of Town; lighting requirements will be needed to help them operate in the community and we can provide examples. Discussion held on the Industrial area was suggested and it doesn't bother anyone; they cannot be banned and we should be prepared; similar legal analysis as a MMD.
- Trustee Baker referred to a "street blimp" that re-appeared and asked if it was on the Enforcement Officer's screen. Shannon noted a letter will be going out. Trustee Lacy saw refrigerators sitting out front. A discussion followed on retail display - if it is a refrigerator there is a State law.
- Trustee Lacy asked about a Resolution passed by a previous Board limiting meetings to 10 PM and suggested looking into it. Town Clerk Spomer noted it is no longer in force because a previous Board felt time would not dictate taking care of the Town's business.
- Trustee Baker noted old utility poles that have been sawed off at 4 ft. and asked if they need to be removed. Roy stated it was done by the Railroad and will ask them about cutting the hazards out of the way. Jeff Parker stated a regulatory authority in Towns over the railroad is a hot topic and he can look into it. Keith referenced a mystery water leak at the Ivy League and asked if it

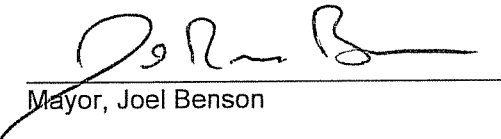
was taken care of. Roy met with members of the Ivy League Corporation on a procedure to look for the leaks and isolate them; staff estimated 8 gal/minute or 300,000 gallons a month are being lost over a lengthy period of time; a meeting is scheduled with the Corporation in June on the Water Service Agreement.

- Trustee Baker heard about the work with Upper Ark and asked if it was progressing. Sue stated it was an on-going conversation and needs to ask what the status is. Keith heard concerns about our agreements to True Value and obligations still on the table. Sue noted staff is in discussions with them. Christine added they have not paid for water rights yet and that needs to be calculated for commercial; we sent them an amendment and they were out of Town to discuss; some clarification needs to be addressed - since we passed the new tax, due to lack of definition, we do not know what it means and are not sure what a County Wide Tax will do to the Agreement.
- Sue Boyd got a call from Mayor Rose looking for a letter of support for their proposal to celebrate the 100th anniversary of the Red Socks not coming to Salida but no one has seen the letter.
- Mayor Benson attended the UACOG recycling meeting, they are thinking of getting a grant to replace some of BVs recycling bins and will ask us for a match of \$3000-\$4000; they will meet again in August. Joel referred to various Committees and Advisory Boards and asked that the Trustees be liaisons in informing the groups of policies and to look at giving more of their time (influence filling P&Z and Airport Board and talk to people and encourage them to participate). Christine suggested that the County does a public notice accepting applications that we could use.
- Trustee Lacy asked about the Pat Schmitt letter. Sue left a message; noted when the Rec. Board was doing their public input meetings we got a lot of feedback on the Town demolishing the rodeo grounds, etc. and staff is not sure how stories got to where they are; we have not heard anything since then.

ADJOURNMENT

Motion #7 by Trustee Nyberg, seconded by Trustee Lacy, noting that there being no further business to come before the Board declared that the meeting be adjourned at 10:03 PM. Motion carried.

Respectfully submitted:



Mayor, Joel Benson

Town Clerk, Diane Spomer